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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,887	02/04/2004	Thor Itt Chiam	FLEX-00300	5368
28960 7590 09/12/2007 HAVERSTOCK & OWENS LLP 162 N WOLFE ROAD SUNNYVALE, CA 94086			EXAMINER DESIR, PIERRE LOUIS	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 09/12/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/772,887

Applicant(s)

CHIAM ET AL.

Examiner

Pierre-Louis Desir

Art Unit

2617

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 July 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-26.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Handwritten signature/initials

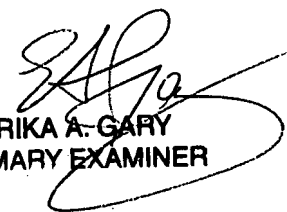
Continuation of 11. does NOT place the application in condition for allowance because: Applicants' arguments involve similar wordings which were presented in the previous Remarks. As disclosed in the previous rejection and answer to argument section, Examiner respectfully disagrees with applicants. Again referring to Applicants' specification page 3 line 25 to page 4, line 7, wherein it is disclosed, "By way of example, consider a cellular phone that has a main menu and at least one level of sub-menus. In this example, the user toggles among main menu items by selecting left or right on the two-dimensional navigation key. The currently selected main menu item is highlighted in some manner as discussed in more detail below. By pressing to the down direction, that main menu item is selected and the screen will change appropriately. If the selection was incorrect, the user can press to the left direction to revert back to the previous level. If the selected main menu item has more than one sub-menu item, the user can select among those sub-menu items by pressing up or down and sequentially highlighting sub-menu items. Upon highlighting the desired sub-menu item, it can be selected by pressing to the right and de-selected by pressing to the left. This process can continue if the selected sub-menu item has sub-sub-menus. It will be apparent that the choice of left versus right, up, down or even diagonals is merely optional." Emphasis added.

As can be seen above (in applicants' own specification), first, the user toggles among main menu items, and the currently selected main menu item is highlighted. And, by pressing to the down direction, the main menu item is selected.

Yamadera discloses that the cursor key 4, which may be moved in four directions (up/down, right/left), is used to select menu items from the display screen 10a. The cursor key 4, which also has the pushbutton function, allows the user to press the cursor key 4 to confirm a menu item that has been selected (see paragraphs 42, 60-62). Thus, the cursor 4 may be moved in four directions to select the menu, and the same cursor is pressed to confirm the selection.

Further, Applicants define a three-dimensional key as a key similar to a two-way key also having a fifth set of contacts, which are activated by pressing on the navigation key in approximately the center.

As can be seen in the cited passage of Yamadera, there is no disclosure of a cursor key having a fifth set of contacts, which are activated by pressing on the navigation key in approximately the center. From the disclosure found within the specification of the current application as related to a two-way dimensional key (i.e., the user toggles among main menu items, and the currently selected main menu item is highlighted. And by pressing to the down direction (i.e., pressing down of the key), the main menu is selected), Yamadera disclosure of a cursor Key reads on the claim as written. Therefore, the rejection stands.


ERIKA A. GARY
PRIMARY EXAMINER